

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

No. CR- 07-0030 SBA

Plaintiff,

**ORDER**

v.

[Docket No. 74]


FERNANDO AGUILAR and  
GUSTAVO AGUILAR,

Defendants.

Defendants Fernando Aguilar and Gustavo Aguilar were indicted on January 18, 2007, and charged with one count of Conspiracy to Possess with Intent to Distribute Methamphetamine, 21 U.S.C. § 846, and two counts of Distribution of Methamphetamine, 21 U.S.C. § 841(a)(1). *See* Docket No. 10. On April 2, 2008, at the parties' request, the Court referred the case to Magistrate Judge Brazil for settlement. *See* Docket No. 70. On April 24, 2008, the Aguilars filed an Administrative Motion to File Under Seal (the "Motion") [Docket No. 74]. In it, they request their Confidential Settlement Conference Statement (the "Statement") be filed under seal, in order to keep confidential their trial strategy and work product. *See* Mot. at 2:2-3. However, Magistrate Judge Brazil's Settlement Conference Standing Order states, "each party must deliver to the office of the Clerk . . . a Confidential Settlement Conference Statement . . . [that] must instruct the court to *lodge* but not *file* the Statement." Settlement Conference Standing Order ¶ III.A (emphasis added). Further, this Court never received the Statement for filing or lodging. And, the parties' final settlement conference was held last month, on July 24, 2008. ACCORDINGLY, for these reasons, the Court DENIES the Motion as moot.

IT IS SO ORDERED.

August 7, 2008

  
Saundra Brown Armstrong  
United States District Judge

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